

UNITED STATES DISTRICT COURT

for

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 23, 2020

SEAN F. MCAVOY, CLERK

U.S.A. vs. Hermsmeier-Rogers, Taylor Wilson Docket No. 2:19CR00185-WFN-1

Petition for Action on Conditions of Pretrial Release

COMES NOW Erik Carlson, PRETRIAL SERVICES OFFICER, presenting an official report upon the conduct of defendant Taylor Wilson Hermsmeier-Rogers, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge John T. Rodgers sitting in the Court at Spokane, Washington, on the 23rd day of October 2020, under the following conditions:

Additional Condition #27: If random urinalysis testing is not done through a treatment program, random urinalysis testing shall be conducted through Pretrial Services, and shall not exceed six (6) times per month. Defendant shall submit to any method of testing required by the Pretrial Service Office for determining whether the Defendant is using a prohibited substance. Such methods may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substances screening or testing.

Defendant shall refrain from obstructing or attempting to obstruct, in any fashion, with the efficiency and accuracy of prohibited substance testing.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Violation #2: Taylor Wilson Hermsmeier-Rogers is alleged to have violated his conditions of pretrial release supervision by failing to report for random drug testing on October 14, 2020.

On December 6, 2019, the Court granted a motion from Taylor Wilson Hermsmeier-Rogers allowing him to enter into inpatient substance abuse treatment at Spokane Addiction and Recovery Center (SPARC) in Spokane, Washington, on December 9, 2019. The Court ordered Mr. Hermsmeier-Rogers to return to custody upon completion of inpatient substance abuse treatment, absent further order of the Court.

On January 13, 2020, Mr. Hermsmeier-Rogers appeared before the Court after a motion to be released onto pretrial supervision upon completion of inpatient substance abuse treatment at SPARC had been submitted to the Court. The Court granted Mr. Hermsmeier-Rogers' motion for release and placed him under conditions of pretrial release supervision.

On January 16, 2020, the conditions of pretrial release supervision were reviewed with Mr. Hermsmeier-Rogers. He acknowledged an understanding of the conditions of release, which included additional condition number 27.

On October 9, 2020, the undersigned officer referred Mr. Hermsmeier-Rogers back to the phase urinalysis testing program at Pioneer Human Services (PHS) after he reportedly was recovering from an illness. Mr. Hermsmeier-Rogers advised his doctor wanted him to "lay low" until October 12, 2020. Subsequently, the undersigned officer provided Mr. Hermsmeier-Rogers the contact information and reporting information for the phase urinalysis testing program to his mother's electronic mail (email) account.

Later on October 9, 2020, the undersigned officer also advised Mr. Hermsmeier-Rogers verbally of his referral to the phase urinalysis testing program during a telephone conversation on October 9, 2020.

On October 14, 2020, the undersigned officer sent Mr. Hermsmeier-Rogers a text message reminding him to call the phase urinalysis testing line to determine if he needed to submit to random drug testing.

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On October 14, 2020, Mr. Hermsmeier-Rogers was required to submit to random urinalysis testing at PHS. He failed to report for random urinalysis testing.

Violation #3: Taylor Wilson Hermsmeier-Rogers is alleged to have violated his conditions of pretrial supervision by failing to submit to drug testing, after notification, on October 22, 2020.

On December 6, 2019, the Court granted a motion from Taylor Wilson Hermsmeier-Rogers allowing him to enter into inpatient substance abuse treatment at Spokane Addiction and Recovery Center (SPARC) in Spokane, Washington, on December 9, 2019. The Court ordered Mr. Hermsmeier-Rogers to return to custody upon completion of inpatient substance abuse treatment, absent further order of the Court.

On January 13, 2020, Mr. Hermsmeier-Rogers appeared before the Court after a motion to be released onto pretrial supervision upon completion of inpatient substance abuse treatment at SPARC had been submitted to the Court. The Court granted Mr. Hermsmeier-Rogers' motion for release and placed him under conditions of pretrial release supervision.

On January 16, 2020, the conditions of pretrial release supervision were reviewed with Mr. Hermsmeier-Rogers. He acknowledged an understanding of the conditions of release, which included additional condition number 27.

As noted in violation number 2, Mr. Hermsmeier-Rogers failed to report for random drug testing at Pioneer Human Services (PHS) on October 14, 2020. Attempts to establish contact with Mr. Hermsmeier-Rogers to address this missed urinalysis test (UA) by telephone, text message, and at his residence, were unsuccessful, until he contacted the undersigned officer on October 21, 2020. During this telephone conversation, the undersigned officer advised Mr. Hermsmeier-Rogers that he failed to report for random drug testing on October 14, 2020. Furthermore, the undersigned officer advised Mr. Hermsmeier-Rogers that a voicemail and text message would be sent to him instructing him on the day he would need to provide a UA, in the event he did not answer a telephone call.

On October 22, 2020, the undersigned officer confirmed that PHS would be conducting drug testing on that date. The undersigned officer attempted to contact Mr. Hermsmeier-Rogers by telephone, in which a voicemail message was left at approximately 7:05 a.m. instructing him to report to PHS for drug testing. Shortly thereafter at 7:08 a.m., the undersigned officer sent a follow up text message to Mr. Hermsmeier-Rogers instructing him to report to PHS before 5:30 p.m. and submit to urinalysis testing. Mr. Hermsmeier-Rogers failed to report for drug testing at PHS on October 22, 2020.

PRAYING THAT THE COURT WILL INCORPORATE THE ABOVE VIOLATIONS WITH VIOLATION
PREVIOUSLY REPORTED TO THE COURT

I declare under the penalty of perjury
that the foregoing is true and correct.

Executed on: October 23, 2020

by s/Erik Carlson

Erik Carlson
U.S. Pretrial Services Officer

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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

October 23, 2020

Date